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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,917	08/29/2003	Hiroshi Tanada	1602-0182P	7979
2292	7590	12/16/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, DIEM T	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,917

Applicant(s)

TANADA ET AL.

Examiner

Diem Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al. (US Patent 5,538,697).

Regarding claim 1, Abe discloses an exhaust gas purification apparatus for an engine, comprising:

a catalytic converter provided in an exhaust path of said engine and including a carrier, an HC absorbent carried on said carrier for absorbing HC in exhaust gas of said engine, an HC purifying catalyst carried on said carrier and capable of purifying the HC desorbed from said HC absorbent (see col. 1, lines 66-67, col. 2, lines 1-12), and a transition metal carried on said carrier for absorbing CO in the exhaust gas (see col. 12, lines 10-14); and control apparatus for controlling operation of said engine, said control apparatus including HC desorption timing estimation means for estimating a timing at which the HC is desorbed from said HC absorbent and control means for controlling an air fuel ratio upon starting said engine ratio richer than stoichiometric air fuel ratio to start operation of said engine (see col. 7, lines 7-11) and changing over the air fuel ratio leaner than the stoichiometric air fuel ratio at the timing at which the HC is desorbed based on an output of said HC desorption timing estimation means (see col. 2, lines 39-53, col. 11, lines 15-21, 35-52).

Regarding claim 2, Abe further discloses that said HC absorbent is carried in a layered state on a surface of said carrier, and said HC purifying catalyst is carried in a layered state on a surface of the layer of said absorbent (see col. 9, lines 64-67, col. 10, lines 1-22).

Regarding claims 3, 4, Abe further discloses that said transition metal carried in a layer of said HC purifying catalyst and said transition metal is nickel (see col. 9, lines 58-63).

Regarding claim 6, Abe further discloses that a temperature detection means for detecting a temperature of said HC absorbent, and said HC desorption timing estimation means estimating the timing at which the HC is desorbed based on an output of said temperature detection means (see col. 11, lines 14-17).

Regarding claim 7, Abe further discloses that said HC desorption timing estimation means estimates the timing at which the HC is desorbed based on an elapsed period of time after the starting of said engine (see col. 11, lines 16-20).

Regarding claim 11, Abe further discloses that said HC absorbent is zeolite (see col. 8, lines 49-58).

Regarding claim 12, Abe further discloses an air fuel ratio detection means for detecting an air fuel ratio after said catalytic converter, said HC desorption timing estimation means estimating the timing at which the HC is desorbed based on an output of said air fuel ratio detection means (see col. 7, lines 57-65).

Regarding claim 13, Abe further discloses said catalytic converter is provided at a downstream portion of said exhaust path (see Figure 11).

Regarding claim 14, Abe further discloses said engine (1) and said catalytic converter (21) are directly connected to each other without intervention of any other catalytic converter (see Figure 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US Patent 5,538,697).

Regarding claim 5, Abe discloses all the claimed limitations as discussed in claim 4 above, however, fails to disclose that the nickel is contained by approximately 20 to 30 g/L in the form of NiO.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a specific optimum range of the concentration of nickel, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 9, Abe discloses all the claimed limitations as discussed in claim 7 above, however, fails to disclose estimating the timing at which the HC is desorbed based on temperature information detected by said water temperature detection means.

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It is well known to those with ordinary skill in the art that a HC adsorbent temperature can be derived from the cooling water temperature of the engine, so that a time at which the HC is desorbed from the HC adsorbent in Abe can be estimated based on the temperature information of the engine cooling water. Therefore, such disclosure by Abe et al. is notoriously well known in the art so as to be proper for official notice.

Claims 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US Patent 5,538,697) in view of Yasui et al. (US Patent 6,681,567).

Regarding claim 8, Abe discloses all the claimed limitations as discussed in claim 7 above, however, fails to disclose estimating the timing at which the HC is desorbed based on a total fuel injection amount of said engine after the starting of said engine. Yasui teaches that it is conventional in the art, to estimate the timing at which the HC is desorbed based on a total fuel injection amount of said engine after the starting of said engine (see col. 12, lines 1-7).

It would have been obvious to one having ordinary skill in the art, to have utilized the teaching of Yasui in the apparatus of Abe, since the use thereof would have provided an effective means to accurately determine when the HC adsorbent begins to desorb hydrocarbon.

Regarding claim 10, the modified Abe apparatus discloses all the claimed limitations as discussed in claim 8 above, however, fails to disclose estimating the timing at which the HC is desorbed based on temperature information detected by said water temperature detection means.

It is well known to those with ordinary skill in the art that a HC adsorbent temperature can be derived from the cooling water temperature of the engine, so that a time at which the HC is desorbed from the HC adsorbent in Abe can be estimated based on the temperature

information of the engine cooling water. Therefore, such disclosure by Abe et al. is notoriously well known in the art so as to be proper for official notice.

Conclusion

Any inquiry concerning this communication from the examiner should be directed to Examiner Diem Tran whose telephone number is (571) 272-4866. The examiner can normally be reached on Monday -Friday from 8:30 a.m.- 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) 272-4859. The fax number for this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 800-786-9199 (toll-free).

DT
December 8, 2004



Diem Tran
Patent Examiner
Art unit 3748



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